



**MINUTES OF THE CITY COUNCIL MEETING  
CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 29, 2002, 8:00 p.m.**

---

**MEETING**

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Mayor Cooper.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR Cooper

Absent: None

**PUBLIC COMMENTS**

Beatrice Thornton commented on her past experience in support of Measure L and spoke against the passage of Measure U.

John Kyle displayed an aerial photo of the City's traffic routes and expressed his opinion on the need for a truck stop.

Jason Moreno submitted photos taken at two different times at Home Depot and its use of its parking lot for storage of packing debris. He also described voter turnout on particular streets in Hayward.

Steve Bristow spoke on behalf of Planned Parenthood, and offered the remainder of his time to their representatives and thanked the Council for its support towards this organization.

Barbara Swarr commented on a conference she attended recently on redevelopment. In addition, she commented favorably on the recent downtown community meeting held to discuss issues and receive suggestions on the downtown. She reiterated a suggestion that she offered for an ordinance to regulate vacant buildings.

Jake Scott, San Francisco, representing SEIU employees of Planned Parenthood, provided information on the labor issue and a dispute that is occurring at the Hayward Planned Parenthood with management. He introduced two union member-workers, Elizabeth Louis and Michal Scharlin.

Ron Barklow urged all Hayward voters to read their voter pamphlet and support Measure U on Tuesday, November 5.

Robert Billmire, a resident since 1958, urged a "No" vote on Measure U. He noted the litigation that has delayed the construction of the bypass as approved by Measure L.

**CONSENT**

**DRAFT**

Consent items 3 and 4 were removed for further discussion.

1. Approval of Minutes of the City Council Meeting of October 15, 2002

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to approve the minutes of the City Council Meeting of October 15, 2002.

2. Resolution Adjusting the Employer Medical Contribution Rate for Employees and Retirees of the Hayward Police Management Association

Staff report submitted by Employee Benefits Administrator Baldinelli, dated October 29, 2002, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-156, "Resolution Adjusting Employer Contribution for Members of the Police Management Unit Covered Under the Public Employees' Medical and Hospital Care Act"

3. Acceptance of State Grant Pertaining to Driving Under the Influence and Seat Belt Enforcement Program

Staff report submitted by Traffic Bureau Sergeant Akacsos, dated October 29, 2002, was filed.

Council Member Jimenez asked how the program would be continued.

City Manager Armas stated that staff would apply for grants in future years as well.

It was moved by Council Member Jimenez, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 02-157, "Resolution Authorizing the City Manger to Execute an Agreement with the Office of Traffic Safety to Accept Funding for the Driving Under the Influence and Seat Belt Safety Enforcement Program; Appropriation of Funds"

4. Authorization for the City Manager to Execute a Professional Services Agreement for Value Engineering Services for the Water Pollution Control Facility Improvements Phase I

Staff report submitted by Deputy Director of Public Works Ameri, dated October 29, 2002, was filed.

Council Member Jimenez asked why Sewer Capital Improvement funds were being used for this



**MINUTES OF THE CITY COUNCIL MEETING  
CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 29, 2002, 8:00 p.m.**

---

project.

City Manager Armas explained that Water Pollution Control Facility is a nice way of saying, sewage treatment plant.

It was moved by Council Member Jimenez, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 02-158, "Resolution Authorizing the City Manager to Execute and Agreement Between the City of Hayward and Harris & Associates for Value Engineering Services for Water Pollution Control Facility Improvements Phase I Project, Project No. 7546"

Resolution 02-159, "Resolution Amending Resolution 02-087, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2002-03, Relating to an Appropriation of Funds for Value Engineering Services to the Water Pollution Control Facility Phase I Improvements Project, Project No. 7546"

## **HEARINGS**

5. Request to Amend the General Plan Designation and Zoning Map and for a Vesting Tentative Map to Allow for a 72-Lot Subdivision of Cluster Homes, Four Flex Industrial/Commercial/Office Lots, and One Commercial Lot – The Property is Located at the Northeast Corner of Industrial Parkway West and Stratford Road

Staff report submitted by Planning Manager Anderly, dated October 29, 2002, was filed.

Planning Manager Anderly described the site plan, including the cluster housing and the commercial component of the project. She commented on the two homes in the development recommended for elimination from the plans by staff because they are only 25 feet from the commercial structures. She commented on the 20-foot landscape width along Industrial Parkway West, recommended by the Planning Commission but not encouraged by staff. She noted that the applicant has donated land as well as at least \$400,000 in funding for further park improvements.

Council Member Henson asked about the two homes suggested for elimination and the set-backs provided for the area. He also asked about the difference between a Planned Development District with community industrial uses, and regular industrial zoning uses.

Council Member Ward asked whether the issue of how much is to be paid by the developer for the park improvements is still an issue. He commented that the amount being offered by the developer exceeds what would normally be charged for Park In-Lieu fees.

City Manager Armas noted that the applicant felt there would be a community benefit in contributing money and land for improvements. He commented that there is a difference of opinion regarding the cost of the improvements. The added condition language says the cost of improvements will be consistent with the plans specified and reviewed by HARD. The applicant has concurred.

Council Member Hilson asked about the conditions as recommended by staff. He commented on the closeness of the units to the roadway.

Planning Manager Anderly explained that the distance from the commercial buildings to the residences is about 53 feet, which indicates that it is more than 150 feet to the roadway.

Mayor Cooper opened the public hearing at 8:53 p.m.

Jason Moreno wondered whether the City of Hayward residents would be required to purchase another street cleaner or fund a new fire station if this project is approved.

He was told they would not.

Bill Quirk said he was impressed with the park and the entire plan.

Milan Dobro spoke in favor of the development and said he was pleased with the development and the developers.

Bruce de Garneau said he lives in the Stratford Village and spoke in favor of this development. He noted this as an intelligent compromise.

David Forwe said he lives in Georgian Manor. He said he looks forward to the completion of the neighborhood, the park, and the future businesses that will be located there.

Anthony Varni commented on the outstanding issues as indicated by staff. He noted that this is a planned development district. It has taken much effort by staff, developers and owners. He noted that the buildings have been set back for use both commercially or industrially. He commented on the landscape issue, and explained how the developer has ameliorated the technical requirement and commented on the extensive landscaping. He asserted that there are no six-foot side walks along Industrial Parkway as is required by the staff. He commented on the number of conditions of approval in order to comply with City regulations. He asked for approval consistent with the Planning Commission decision. He noted that HARD proposed the design of the park. The builder has agreed to build to HARD's specifications.

Commissioner Dowling suggested to staff that Condition 31 not include an amount but rather say, park improvements consistent with plans submitted by Taylor, Woodrow, and approved by HARD.

Mr. Varni said he thought staff wanted a minimum of \$400,000 in the conditions.



**MINUTES OF THE CITY COUNCIL MEETING  
CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 29, 2002, 8:00 p.m.**

---

Mark Rutherford, architect for the project, described various other locations in the Bay Area where they have built similar projects. He noted that each residence is a single family detached home. He noted that the overall layout of the project is a cluster configuration. He described guest parking which is on the street. There is an auto court for washing cars and overnight parking. He showed the streetscape and explained that the homes have no driveways leading to the street. A variety of styles of homes are provided.

In response to Council Member Henson's question on parking, Mr. Rutherford noted that there are approximately 134 visitor parking spaces. He noted the landscaping in the right of way tends to slow traffic down and provide on-street parking.

Mayor Cooper closed the public hearing at 9:14 p.m.

Mayor Cooper asked Planning Manager Anderly regarding the staff recommendation that the two lots not be used for housing.

Planning Manager Anderly explained that the staff recommendation to have a 25-foot distance is consistent with the separation from the industrial building and the home. She noted that converting those two lots into parking and open space would help to ease the congestion of the project.

Council Member Dowling thanked the developer for redoing the project and complimented them on the changes in the project. He said he likes the courts, as well as the architecture of the project. He said this is a different product type. He moved the item, seconded by Council Member Henson, to include the two homes as well as the landscaping buffer proposed by the developer, with a change only in Condition 31, regarding HARD, to read, "a minimum of \$400,000 for park improvements."

Council Member Ward agreed that this is a new product for the City of Hayward and commended staff for its effort. He noted that this could reflect what might be expected for future infill projects, and was a positive addition to Industrial Boulevard.

Council Member Henson commented that this project has many good things. He liked the mixed nature of the development, some industrial with residential. He noted that he would like to see a smaller market but thought this was a great compromise and thanked staff for their input. He said he approved of the concept of parking bays.

Planning Manager Anderly asked whether the motion included that Condition 20 would include the elimination of just the primary uses in those zoning districts to include the opportunity to have the administrative uses as well.

Council Member Dowling agreed. He then commented on the sign erected on the property indicating what is happening in that neighborhood.

City Manager Armas said the City of Hayward is beginning to do this as a recurring practice.

Council Member Dowling said this was encouraging. He was pleased to see it.

Council Member Hilson explained his intention to vote against the project. He said he would be consistent with his decision not to support any single-family developments with lots under 4,000 square feet. He noted that less space than that leaves little quality area for the children and it exacerbates the parking problem all over the City. He agreed with the industrial mixed use concept.

Council Member Rodriguez said she would be supporting the project even though she had apprehensions about the first Stratford Village. She said her biggest concern was the buffer zone between the industrial and housing areas, and this discussion has eased her concerns. She appreciated the compromise.

Council Member Jimenez said this is a quality project. He admired and respected the perseverance of the developers and staff.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried, with Council Member Hilson voting “no”, to approve and introduce the following:

Resolution 02-160, “Resolution Adopting Mitigated Negative Declaration and Approving General Plan Amendment Application No. 2002-0295, Zone Change Application 2002-0296, and Vesting Tentative Map Tract 7386 “

Ordinance 02-\_\_, “An Ordinance Reclassifying Certain Properties Located at Industrial Parkway West and Stratford Road Pursuant to Zone Change Application PL-2002-0296”

## **LEGISLATIVE BUSINESS**

6. Utility Service Agreement 02-02 – Authorize the City Manager to Execute Utility Service Agreements for Sanitary Sewer Service and Water Service for Certain Properties Located on Arbutus Court

Staff report submitted by Development Review Services Engineer Gaber, dated October 29, 2002, was filed.

Development Review Services Engineer Gaber made the staff report and responded to Council questions.

Mayor Cooper opened and closed the public hearing at 9:32 p.m., with no comments from the public.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:



**MINUTES OF THE CITY COUNCIL MEETING  
CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 29, 2002, 8:00 p.m.**

---

Resolution 02-161, "Resolution Authorizing the City Manager to Apply to LAFCO for Approval of Utility Service Agreements (USA 02-02) to provide Sanitary Sewer and Water Services to Properties Located on Arbutus Court and Further Authorizing the City Manager to Execute Such Agreements, as well as Agreements for Completion of Public Street Improvements"

7. Adoption of Ordinance Related to Tree Preservation

Staff report submitted by City Clerk Reyes, dated October 29, 2002, was filed.

There were no requests to speak, Mayor Cooper opened and closed the public hearing at 9:34 p.m.

It was moved by Council Member Henson, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Ordinance 02-18, "An Ordinance Repealing Article 15 of Chapter 10 of the Hayward Municipal Code and Enacting a New Ordinance for Tree Preservation"

8. Adoption of Ordinance Related to Campaign Contribution Limits and a Voluntary Campaign Expenditure Limit for Elections to City Offices

Staff report submitted by City Clerk Reyes, dated October 29, 2002, was filed.

There were no requests to speak, Mayor Cooper opened and closed the public hearing at 9:35 p.m.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried by the following roll call vote to adopt the following ordinance:

AYES: Council Members Jimenez, Hilson, Ward, Henson  
NOES: Council Members Rodriquez, Dowling  
MAYOR Cooper  
ABSENT: None

Ordinance 02-19, "An Ordinance Amending Chapter 2 Article 13 of the Hayward Municipal Code Relating to the Establishment of Contribution Limitations and a Voluntary Campaign Expenditure Limit for Elections to City Offices"

## **COUNCIL REPORTS**

Council Member Henson spoke on the great loss of Senator Wellstone to the Country. He noted how supportive Senator Wellstone was to local governments.

Council Member Hilson reported that he attended a meeting in Chicago of the Legislative Committee for the National League of Cities at which they reviewed the new direction they should be taking to be more effective.

Mayor Cooper invited all to purchase tickets to see the Moscow Ballet perform the Nutcracker at Chabot College.

Council Member Jimenez commented on recent correspondence from Mt. Eden High School regarding their choral. Mayor Cooper reported that this would be addressed at the meeting on November 19.

## **ADJOURNMENT**

Mayor Cooper adjourned the meeting at 9:43 p.m.

APPROVED:

---

Roberta Cooper, Mayor, City of Hayward

ATTEST:

---

Angelina Reyes, City Clerk, City of Hayward